REMARKS

In response to the Office Action dated July 29, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-22 are pending in this application. Claims 11-22, though, were withdrawn by restriction.

Telephone Interview

Examiner Thein is thanked for the telephone interview of October 15, 2008. The undersigned explained the distinguishing features of the claims ("local exchange routing guide information system"). Examiner Thein said she would conduct another search after formal submission. No agreement was reached.

Objections to the Drawings

The Office objected to the drawings. Replacement drawings are submitted herewith.

Objection to Claim 1

The Office objected to claim 1 for informalities. Claim 1 has been amended, and the Office is respectfully requested to re-examine independent claim 1.

Rejection of Claims Under § 102 (b)

The Office rejects claims 1-9 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,337,901 to Rome, *et al.* A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF

COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 1-9, though, are not anticipated by *Rome*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Rome*. Independent claim 1, for example, recites *"retrieving regional rate data for a customer from a local exchange routing guide system"* and *"associating the regional rate data with the billing records to create a merged rate and billing record for the customer."* Support for these features may be found at least in the as-filed application at paragraph [0010]. Independent claim 1 also recites *"receiving a selection of at least one calling plan"* and *"receiving a group access code, an access customer name abbreviation, and a month."* Support for these features may be found at least in the as-filed application at paragraph [0032]. Independent claim 1 also recites *"querying the access customer analysis database for the at least one selected calling plan"* and *"calculating a credit the customer receives for subscribing to a calling plan."* Support for these features may be found at least in the as-filed application at paragraph [0032]. For the convenience of the Examiner, independent claim 1 is reproduced below.

1.   A method, comprising:

retrieving regional rate data for a customer from a local exchange routing guide system;

retrieving the customer's billing records from a carrier access billing system, wherein the billing record is accessed from multiple customer operations units and multiple revenue accounting offices, and wherein the carrier access billing system maintains billing records for wholesale customers that purchase blocks of telephone capacity;

associating the regional rate data with the billing records to create a merged rate and billing record for the customer;

creating an access customer analysis database using the customer's merged rate and billing record;

receiving a selection of at least one calling plan;

receiving a group access code, an access customer name abbreviation, and a month;

querying the access customer analysis database for the at least one selected

calling plan; and

calculating a credit the customer receives for subscribing to a calling plan.

Rome does not anticipate all these features. *Rome* describes an architecture for telephone billing systems across service regions. Still, though, *Rome* fails to teach or suggest all the features of independent claim 1. *Rome*, then, cannot anticipate independent claim 1.

Claims 1-9, then, are not anticipated by *Rome*. Independent claim 1 recites many features that are not disclosed or suggested by *Rome*. The dependent claims incorporate these same features and recite additional features. Claims 1-9, then, cannot be anticipated, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

Rejection of Claim 10 under § 103 (a)

The Office rejected claim 10 under 35 U.S.C. § 103 (a) as being obvious over *Rome* in view of U.S. Patent Application Publication 2001/00510911 to Eastman. Claim 10, though, depends from independent claim 1 and, thus, incorporates the same distinguishing features and recites additional features. As the above paragraphs explained, *Rome* fails to teach or suggest all the features of independent claim 1, and *Eastman* does not cure these deficiencies. *Eastman* describes the selection of a gateway server for terminating a VoIP call.

Still, though, *Rome* and *Eastman* do not obviate claim 10. Both *Rome* and *Eastman* fail to teach or suggest *"retrieving regional rate data for a customer from a local exchange routing guide system."* The Office alleges that *Eastman* teaches these features, and the Office cites to *Eastman's* paragraph [0045]. The Office, however, is, very respectfully, mistaken. *Eastman's* paragraph [0045] is reproduced below, and it has nothing to do with a local exchange routing guide system:

[0045] In the present invention, an ordered list of gateway terminals 30 is constructed by the RTS server 50. Each of the terminals 30 on the ordered list are capable of terminating an Internet
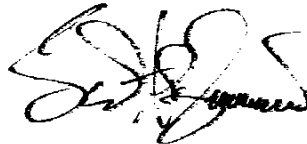
telephone call initiated by the gateway terminal 28. The RTS Routing Criteria are a set of rules applied to the ordered list of candidate terminating devices (terminals 30). Based on the destination phone number, alliance member rate plans, quality of service and other information, the RTS Routing Criteria select the servers that can terminate the call with the least cost and the highest quality. The algorithm used to construct the ordered list is as follows (actual Java classes used in the preferred implementation are italicized):

U.S. Patent Application Publication 2001/00510911 to Eastman at paragraph [0045]. As the Office must now realize, *Eastman's* paragraph [0045] does not teach what the Office alleges. Claim 10, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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